

Date

ROUTING AND TRANSMITTAL SLIP

6 October 1988

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1. DIRECTOR OF SECURITY

STAT

2. OFFICE OF GENERAL COUNSEL

3. DIRECTOR OF INFORMATION TECHNOLOGY

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

#1 FOR ACTION - PLEASE PROVIDE APPROPRIATE RESPONSE,
IF NECESSARY, IN COORDINATION WITH OGC. PROVIDE
DROP COPY TO DDA.

**DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions**

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cy/Post)	Room No.—Bldg.
EXA/DDA	Phone No.



Information Security Oversight Office
Washington, DC 20405



DD/A Registry
88-2087X

September 29, 1988

OS REGISTRY
5-12-ADM-CR
07 OCT 1988

Dear Mr. Huffstutler:

The purpose of this letter is two-fold. First, it announces the issuance by the Information Security Oversight Office (ISOO) of a new "Classified Information Nondisclosure Agreement," the Standard Form 312. Second, it advises you of a clarification to previously executed copies of the Standard Form 189, also entitled "Classified Information Nondisclosure Agreement," and your requirement to communicate this clarification no later than October 27, 1988, to all employees who have previously executed the SF 189.

I. The Standard Form 312

In accordance with National Security Decision Directive 84 (NSDD 84), dated March 11, 1983, ISOO has today issued a rule that implements the Standard Form 312, "Classified Information Nondisclosure Agreement (SF 312)". Effective immediately, the SF 312 shall serve as the instrument to fulfill the following requirement found in Paragraph 1(a) of NSDD 84: "All persons with authorized access to classified information shall be required to sign a nondisclosure agreement as a condition of access."

On December 29, 1987, ISOO imposed a moratorium on the further execution of nondisclosure agreements issued to implement NSDD 84. With respect to the SF 312, that moratorium is now lifted. Further, on August 21, 1987, ISOO imposed a moratorium on the withdrawal of access and security clearances of persons who are required to execute a nondisclosure agreement as a condition of access to classified information but who refuse to do so. With respect to the required execution of the SF 312, that moratorium also is lifted.

ISOO has issued the SF 312 to replace both the Standard Form 189, "Classified Information Nondisclosure Agreement" (SF 189), and the Standard Form 189-A, "Classified Information Nondisclosure Agreement (Industrial/Commercial/Non-Government)" (SF 189-A). However, executed copies of both the SF 189 and the SF 189-A remain valid, and fulfill that requirement of NSDD 84 quoted above. Therefore, you are required to obtain the execution of SF 312 by only those cleared Government and non-Government employees who have not previously signed either the SF 189 or SF 189-A.

-2-

Any person who has executed the SF 189 or SF 189-A may elect, however, to substitute a signed SF 312 for the previously executed agreement. You must take all reasonable steps to notify affected employees of this option, and, when an employee exercises it, to replace the previously signed nondisclosure agreement with the executed SF 312. ISOO strongly suggests the use of the enclosed "Notice to Employees," or a similar notice, for this purpose.

II. Modification of the SF 189

In accordance with a recent ruling of the United States District Court for the District of Columbia, ISOO has included in today's rule a provision that strikes the word "classifiable" from Paragraph 1 of each executed copy of the SF 189, while substituting language that clarifies the scope of "classified information," as used in the agreement. The rule also provides a definition of the scope of the term "classified information" in the SF 312, SF 189 and SF 189-A, and recites the basis for liability for violating any of these agreements. These references assure consistency in the enforcement of any of these agreements that implement NSDD 84.

On Friday, September 23, 1988, the court denied the Government's motion to substitute constructive notice through publication in the Federal Register for personal notice to every affected employee. Under the court's order, the Government must notify every employee who has executed the SF 189 of this clarification no later than October 27, 1988. When logistical circumstances do not permit compliance within that time frame for particular individuals, you should continue with efforts to notify them as quickly as possible. To assist you in meeting this notification requirement, we enclose a copy of a suggested notice, which is based upon the rule issued today. This notice, or one based upon it, may be reproduced in any format, and distributed as required. No actual physical alteration of the executed SF 189s is necessary, nor are agencies required to obtain receipts from employees that they have received notice.

The court order does not require that you notify former employees of this clarification, and, in the interest of seeking the most timely compliance, ISOO is also not imposing this requirement. Even without this notice, copies of the SF 189 executed by former employees will be enforced as the language in Paragraph 1 has been clarified.

-3-

ISOO is printing an initial stock of the SF 312 for distribution to the agencies. We will be working with your liaison to ISOO to make these arrangements. You should procure additional copies of the SF 312 through regular supply channels.

We enclose for your information and use a copy of the rule published in the Federal Register today that implements the SF 312, strikes the word "classifiable" and otherwise clarifies Paragraph 1 of the SF 189; ten sample copies of the SF 312; a copy of ISOO's suggested "Notice for Employees," taken from the published rule; and a series of questions and answers that should help answer many of your questions and the questions of employees that will arise regarding the SF 312. We are currently working on the production of a videotape and booklet that should prove to be useful briefing aids on the SF 312. We will notify you when they become available.

Please keep your ISOO liaison informed of the actions taken by your agency to implement the requirements set forth in this letter and rule. For answers to your questions, please contact ISOO at FTS 535-7251, or (202) 535-7251.

Sincerely,



Steven Garfinkel
Director

Mr. Rae M. Huffstutler
Deputy Director for Administration
Central Intelligence Agency
Washington, DC 20505

Enclosures